Office of the Correctional Investigator

2011–12

Departmental Performance Report

The Honourable Vic Toews, P.C., Q.C., M.P.
Minister of Public Safety

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Correctional Investigator's Message

The Office of the Correctional Investigator (OCI) was established in1973 to function as an ombudsman for federally sentenced offenders. From the beginning, our independent and external oversight of the correctional system has enhanced accountability and transparency for Parliamentarians and Canadians. Moreover, we have played an important role in ensuring that Canada's correctional system is not only managed fairly and humanely but also in a way that is consistent with the expectations and values of Canadians. We believe our recommendations made to the Correctional Service of Canada (CSC) have made a difference in the lives of Canadians and contributed to the protection of rights and the maintenance of a peaceful society.

To this end, part III of the *Corrections and Conditional Release Act* (*CCRA*) authorizes me to conduct investigations into problems of offenders related to decisions, recommendations, acts and omissions of the CSC. Decisions to commence or terminate, as well as the methods used to conduct an investigation, are at my discretion.

In the reporting period, the Office's team of investigators spent 369 days in federal institutions, interviewed more than 1600 offenders and conducted 481 formal investigations. We received 5,789 complaints/inquiries from federal offenders, 18,700 contacts were made via our toll-free number and over 1.0 million visitor hits were recorded on our web site. In addition, our Use of Force team conducted 814 file reviews. We also reviewed 144 C*CRA* section 19 cases involving serious bodily injury and 27 deaths in custody. These are significant achievements for a micro agency with 32 full-time employees.

This Departmental Performance Report identifies accomplishments stemming from the following six key priorities which are discussed in the latest Report on Plans and Priorities: access to mental health services; preventing deaths in custody; conditions of confinement; issues facing Aboriginal offenders; access to correctional programming; and, issues affecting federally sentenced women offenders. These priorities assist investigative staff in structuring their visits to correctional institutions and often serve as the basis for interactions/discussions between my Office and the CSC. As the correctional populations gradually increase, it is expected that these priorities will become even more important.

Information Management continues to be an administrative priority for our Office. We began the consolidation of the organization's information management functions in preparation for the purchase and implementation of case management and correspondence tracking applications. Preliminary work was also completed on our website. This update will simplify access to information, meet compliance requirements and raise the public profile of the Office.

Of note, the Office underwent a horizontal internal audit lead by the Office of the Comptroller General on Integrated Business and Human Resources Planning. As of this writing, the final report has not been published, however, the conclusions in the fact finding exercise point to a positive outcome for the organization. This was the second consecutive positive external audit of the organization and is a notable achievement.

Finally, this report presents some of the highlights of the important work performed by my Office during the reporting period. They are a reflection of the ongoing commitment by all staff members to our important mandate and corporate obligations that we strive to meet every year.

Howard Sapers
Correctional Investigator

Section I: Organizational Overview

Raison d'être

The Office of the Correctional Investigator provides Canadians with timely, independent, thorough and objective monitoring of their federal correctional system to ensure that it remains safe, fair, humane and effective. Essentially, its oversight role is to ensure accountability of the Correctional Service of Canada in carrying out its statutory mandate in compliance with its domestic and international legal and human rights obligations.

Responsibilities

The mandate of the Office of the Correctional Investigator, as defined by the *Corrections and Conditional Release Act*, is to function as an Ombudsman for federal offenders. The Office of the Correctional Investigator is independent of the Correctional Service of Canada and may initiate an investigation on receipt of a complaint by or on behalf of an offender, at the request of the Minister or on its own initiative. The Correctional Investigator is required by legislation to report annually through the Minister of Public Safety Canada to both Houses of Parliament.

Strategic Outcome and Program Activity Architecture

Government of Canada Outcome
Safe and secure communities
Strategic Outcome
The problems of offenders in the federal correctional system are identified and resolved in a timely fashion
Program Activities
Ombudsman to federal offenders
Internal services

Organizational Priorities

Summary of Progress against Priorities

Priority	Type[1]	Strategic Outcome and/or Program Activity
Investigate and resolve individual offender issues	Ongoing	Ombudsman to federal offenders
Monitor, evaluate and provide representations on the Service's management of mandated issues (s. 19 investigations and use of force incidents)	Ongoing	Ombudsman to federal offenders
Investigate, resolve and provide leadership on specifically identified systemic issues of offender concern (e.g., Mental health issues; Aboriginal offender issues; preventatble deaths in custody; program access; and, segregation and conditions of confinement)	Ongoing	Ombudsman to federal offenders
Information Management	Ongoing	Ombudsman to federal offenders; Internal services
• Stemming from the organization's strategic outcome, "*the problems of offenders in the federal correctional system are identified and resolved in a timely fashion*", these operational priorities are also closely linked to six corporate priorities: conditions of confinement; access to mental health services; deaths in custody; Aboriginal issues; access to programs and federally sentenced women.		

1. Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the Report on Plans and Priorities or the Departmental Performance Report.

- With the departure of a few senior investigators and parental leave provided to others during the reporting period, the organization realigned the investigative workload in order to ensure that offender issues were resolved and that planned institutional visits were completed. Moreover, the OCI also conducted serveral systemic investigations which impacted our priorities.
- All complaints received were prioritized and addressed by investigative staff and cases were closed accordingly in the case management tool – DATIS. Some data integrity challenges were observed in this regard and are currently being addressed.
- Section 19 of the *Corrections and Conditional Release Act* requires that the Office of the Correctional Investigator review all investigations conducted by the Correctional Service of Canada following the death or serious bodily injury to an inmate. The Office reviewed 144 cases and met all service targets.
- In keeping with the recommendations of the *Arbour Commission of Inquiry*, the review and assessment of 814 use of force incidents was completed with all service standard targets met.
- The organization initiated 5 national systemic investigations. Details of these investigations are included in the 2011-12 Annual Report.

Risk Analysis

Maintaining an independent and objective review process within a correctional environment where the Office has no control over the number of complaints requiring investigations presents a number of unique challenges:

• the Office's mandate is national in scope and the sheer number and complexity of issues managed require flexibility and constant re-evaluation of priorities. The client base and network of stakeholders are dispersed in a large number of often geographically remote locations throughout Canada;

• the average daily offender count was up in the reporting period in comparison to the last, however, actual population growth to date has not reached projected levels and the cumulative effect of legislative and policy changes may only be realized over time. While new and planned cell construction will address long term population pressures, immediate capacity challenges resulting in increased double bunking continue. In light of these population projections, the risk was mitigated in the reporting period;

• the resolution of complaints in an environment traditionally closed to public scrutiny requires that the Office not only be, but be seen to be independent of both the Correctional Service of Canada, Public Safety Canada and the Minister;

• given that the authority of the Office rests with its power of persuasion and quality of reporting rather than enforceable recommendations, it is imperative that appropriate administrative and public mechanisms be available to ensure that reasonable, fair and timely action is taken on the findings and recommendations made by the Office.

• human resource management in the public service is not easy at the best of times. It is certain to become even more challenging in this time of fiscal restraint. As a micro-agency, attracting and retaining a stable, professional group of employees in the current fiscal environment brings an element of risk as employees may decide to remain in the core public administration rather than join a separate employer.

The Office does not foresee a decline in either the overall demand for services or in the complexity of the issues it is called upon to address. The environment in which it operates continues to be extremely challenging. As documented previously, the offender population is increasing (albeit at a slower pace than initially predicted) and will continue to grow as recent policy and legislative initiatives fully take effect. Regardless of population pressure, there remains a legislated requirement on the part of the CSC to provide safe and humane custody. Moving forward requires not only innovative and dedicated services, but also sound risk management, knowledge-driven decision-making, rigorous stewardship, clear accountabilities and responsible spending.

Summary of Performance

2011–12 Financial Resources (thousands)

Planned Spending	Total Authorities*	Actual Spending*
$4,292	$5,012	$4,937
* Excludes amount deemed appropriated to Shared Services Canada, if applicable.		

2011–12 Human Resources (full-time equivalents [FTEs])

Planned	Actual	Difference
34	32	2*

*Unanticipated departures and parental leave situations impacted the FTE utilization in the reporting period.

Summary of Performance Tables

Progress toward Strategic Outcome

Strategic Outcome: The problems of offenders in the federal correctional system are identified and resolved in a timely fashion.		
Performance Indicators	**Targets**	**2011–12 Performance**
Following prioritization, percentage of offender complaints addressed and responded to accordingly in a timely fashion.	100%	Even though a few investigative staff left the OCI during the reporting period, the Office managed to meet the level of service target in responding to offender complaints by prioritizing, addressing and closing them accordingly in the case management tool (DATIS).
Percentage of responses to individual offender complaints by category.	100%	The Office of the Correctional Investigator's investigative staff conducted 1,600 offender interviews during the reporting period. Investigators spent 369 days in institutions – a slight increase over the previous reporting period. The Office also conducted 481investigations during the reporting period. See Complaints by Category table at the end of the report.
Percentage of responses and recommendations on key systemic areas of offender concern identified and subject to OCI recommendations.	100%	The Correctional Service of Canada responded to 100% of the OCI's recommendations on key systemic areas of offender concern. This was demonstrated in the CSC's response to the OCI's Annual Report.

Performance Summary, Excluding Internal Services

Program Activity	2010–11 Actual Spending	2011–12 (Thousands)				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities*	Actual Spending*	
Ombudsman to federal offenders	$3,263	$3,397	$3,434	$3,909	$3,689	Safe and Secure Communities**
Total	**$3,263**	**$3,397**	**$3,434**	**$3,909**	**$3,689**	

* Excludes amount deemed appropriated to Shared Services Canada, if applicable.

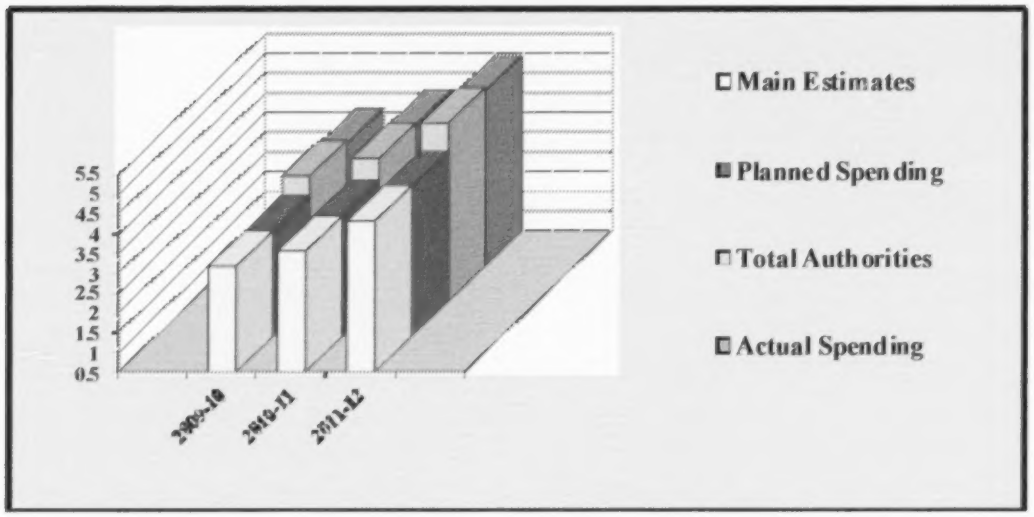
** The OCI's main program activity provides independent oversight of federal Corrections and contributes to public safety by ensuring the timely review of offender complaints. In addition, it aids public confidence and assurance that the CSC is compliant with legal and human rights obligations.

Performance Summary for Internal Services

Program Activity	2010–11 Actual Spending	2011–12 (Thousands)			
		Main Estimates	Planned Spending	Total Authorities*	Actual Spending*
Internal services	$770	$921	$858	$1,103	$1,247

* Excludes amount deemed appropriated to Shared Services Canada, if applicable.

Expenditure Profile (Thousands)



Over the last three fiscal years, from 2009-10 to 2011-12, the Office of the Correctional Investigator's Total Authorities and Actual Spending remained in step. Increases in both are a result of new funding from several legislative initiatives in corrections and permanent incremental funding in 2010-11 to address workload pressures in both the investigative and corporate streams.

Estimates by Vote

For information on the Office of the Correctional Investigator's organizational Votes and/or statutory expenditures, please see the Public Accounts of Canada 2012 (Volume II). An electronic version of the Public Accounts 2012 is available on the Public Works and Government Services Canada's website.

Section II: Analysis of Program Activities by Strategic Outcome

Strategic Outcome: The problems of offenders in the federal correctional system are identified and resolved in a timely fashion

Program Activity No.1: Ombudsman to federal offenders

Program Activity Description

Through this program activity, the Office of the Correctional Investigator conducts investigations of individual offender complaints regarding acts, omissions, decisions and recommendations of the CSC. It also has a responsibility to review and make recommendations on CSC's policies and procedures associated with the areas of individual complaints, to ensure that systemic areas of complaint are identified and appropriately addressed, and to review all Section 19 investigations performed by CSC following the death of or serious injury to an inmate.

2011–12 Financial Resources (Thousands)

Planned Spending	Total Authorities*	Actual Spending*
$3,434	$3,909	$3,689
* Excludes amount deemed appropriated to Shared Services Canada, if applicable.		

2011–12 Human Resources (full-time equivalents [FTEs])

Planned	Actual	Difference
30	28	2

Program Activity Performance Summary

Expected Results	Performance Indicators	Targets	Actual Results
To provide accessible and timely Ombudsman services to federal offenders.	Ratio of completed institutional visits by security level.	90% meet standard	The organization was successful in this regard even though a few senior investigators left or were on parental leave during the reporting period. Reassignments of institutions were required in order to meet the standard. The 90% target was met.
	Average response time to offender problems.	85% meet standard	The Office of the Correctional Investigator was also successful in this regard with an average response time of 84% just shy of the standard. This is reflective of the adjustments being made to the data capture requirements relating to the closing of inmate files.

Performance Summary and Analysis of Program Activity

Investigative staff carried out professional, timely and responsive analysis of offender complaints and investigations throughout the reporting period. The number and frequency of institutional visits and offender interviews across the country was up in comparison to the previous reporting period. This increased presence within the institutions resulted in a greater awareness of the Office and continuing requests for services. The challenge in the reporting period remained in striking a workable balance between managing daily complaints and involving investigative staff in the completion of systemic reviews.

A secondary related challenge involved enhancing the required competencies for conducting systemic investigations, namely analytical skills and the ability to write effectively.

Additional information on the OCI's six key priorities can be found in the 2011-12 Annual Report.

Lessons Learned

Access, timeliness and quality of investigations are core elements of the Ombudsman function. To support these elements, the organization initiated the following: the enhancement of its website with a view to ensuring compliance in terms of accessibility and usability; the review and update of information brochures for offenders and other Canadians; enhanced access to the 1-877 toll free number; and, the initiation of five systemic investigations that are national in scope.

Program Activity No.2: Internal Services

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not to those provided specifically to a program.

2011–12 Financial Resources (Thousands)

Planned Spending	Total Authorities	Actual Spending
$858	$1,103	$1,247

2011–12 Human Resources (FTEs)

Planned	Actual	Difference
4	4	0

Expected Results	Performance Indicators	Targets	Performance Status
n/a	n/a	n/a	n/a

Performance Summary and Analysis of Program Activity

The Internal Services program activity is committed to ensuring full compliance with relevant Government of Canada policies and guidelines, legislation as well as OCI-specific policies and directives. This is accomplished through the development of internal control processes and the provision of training in key corporate areas. In addition, employees working in this field demonstrated an enhanced sense of client service to the organization, its employees and members of the Public Safety Portfolio.

Lessons Learned

As stated earlier, Internal Services staff provided focused training in two specific corporate areas in the reporting period – Information Management and financial administration relating to travel. Training related to ATIP, contracting and human resources will be managed on a priority basis going forward.

Section III: Supplementary Information

Financial Highlights

Condensed Statement of Financial Position (Unaudited)
As at March 31, 2012
(dollars)

	Change $	2011–12	2010–11
Total net liabilities	(122,698)	653,011	775,709
Total net financial assets	35,520	136,330	100,810
Departmental net debt	(158,218)	516,681	674,899
Total non-financial assets	0	0	0
Departmental net financial position	(158,218)	(516,681)	(674,899)

Condensed Statement of Operations and Departmental Net Financial Position (Unaudited)
For the Year Ended March 31, 2012
(dollars)

	Change %	2011–12	2010–11
Total expenses	13.28%	5,271,800	4,653,952
Total revenues	0	0	0
Net cost of operations before government funding and transfers	13.28%	5,271,800	4,653,952
Departmental net financial position	(23.44%)	(516,681)	(674,899)

Financial Statements

The Office of the Correctional Investigator 2011-12 Financial Statements (unaudited) can be found on the organization's website.

List of Supplementary Information Tables

The following supplementary information table included in the 2011-12 Departmental Performance Report can be found on the Office of the Correctional Investigator's web site:

- Greening Government Operations

Section IV: Other Items of Interest

Organizational Contact Information

Manuel Marques
Director, Corporate Services and Planning, Chief Financial Officer
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Additional Information

Complaints by Category Table

Glossary

Complaint: Complaints may be made by an offender or a third party on behalf of an offender by telephone, facsimile, letter or during interviews held by the Office of the Correctional Investigator's investigative staff at federal correctional facilities.

The legislation also allows the Office of the Correctional Investigator to commence an investigation at the request of the Minister or on the Correctional Investigator's own initiative.

Internal Response (IR): A response provided to a complainant that does not require consultation with any sources of information outside the Office of the Correctional Investigator.

Investigation (INV): A complaint where an inquiry is made with the Correctional Service and/or documentation is reviewed/analyzed by the Office of the Correctional Investigator's investigative staff before the information or assistance sought by the offender is provided.

CATEGORY		IR	INV	Total
Administrative Segregation		183	245	428
Case Preparation		38	48	86
Cell Effects		167	219	386
Cell Placement		21	22	43
Claims		15	20	35
Community Programs/Supervision		5	11	16
Conditional Release		14	9	23
Conditions of confinement		249	234	483
Conviction/Sentence-Current Offence		1	2	3
Correspondence		65	62	127
Death or Serious Injury		30	14	44
Decisions (general) - Implementation		178	49	227
Diets		7	25	32
Discipline		14	17	31
Discrimination		8	5	13
Double Bunking		22	21	43
Employment		42	35	77
Financial Matters		56	52	108
Food Services		24	26	50
Grievance		157	98	255

CATEGORY		IR	INV	Total
Harassment		65	54	119
Health and Safety - Inmate Worksites/Programs		0	2	2
Health Care		289	406	695
Health Care - Dental		12	23	35
Hunger Strike		1	13	14
Immigration/Deportation		0	3	3
Information		102	64	166
Inmate Requests		12	9	21
IONSCAN		0	1	1
Legal Counsel - Quality		13	7	20
Mental Health		15	39	54
METHADONE		9	9	18
Office of the Correctional Investigator		0	4	4
Official Languages		4	1	5
Operation/Decisions of the OCI		6	3	9
Outside Court		10	9	19
Parole Decisions		98	80	178
Police Decisions or Misconduct		3	2	5
Private Family Visits		79	79	158
Programme/Services		46	76	122

CATEGORY		IR	INV	Total
Provincial Matter		2	2	4
Release Procedures		40	29	69
Religious/Spiritual		19	12	31
Safety/Security		15	23	38
Safety/Security of Offender(s)		27	60	87
Search and Seizure		17	15	32
Security Classification		45	47	92
Sentence Administration		11	5	16
Staff		176	134	310
Telephone		63	78	141
Temporary Absence		13	28	35
Temporary Absence Decision		22	22	44
Transfer		195	213	408
Urinalysis		1	8	9
Use of Force		10	29	39
Visits		53	42	95
Uncategorized				181
	GRAND TOTAL	2769	2839	5789

This table is populated with data from the OCI's case management tool: DATIS.

Endnotes

i. Public Accounts of Canada 2012, http://www.tpsgc-pwgsc.gc.ca/recgen/txt/72-eng.html

ii. Treasury Board of Canada Secretariat, http://www.tbs-sct.gc.ca/tbs-sct/index-eng.asp

iii. Office of the Correctional Investigator, http://www.oci-bec.gc.ca